

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FCC 03I-02

In the Matter of

EB DOCKET NO. 00-156

Ronald Brasher

Licensee of Private Land Mobile Stations WPLQ202,
KCG967, WPLD495, WPKH771, WPK1739, WPK1733,
WPK1707, WIL990, WPLQ475, WPLY658, WPKY903,
WPKY901, WPLZ533, WPK1762, and WPDU262
Dallas/Fort Worth, Texas

Patricia Brasher

Licensee of Private Land Mobile Stations WPJ1362,
WPKY900, and WPLD570
Dallas/Fort Worth, Texas

David Brasher

Licensee of Private Land Mobile Stations
WPBU651, and WPJR757
Dallas/Fort Worth, Texas

D.L. Brasher

Licensee of Private Land Mobile Station WPJR750
Dallas/Fort Worth, Texas

O.C. Brasher

Licensee of Private Land Mobile Station WPJR761
Dallas/Fort Worth, Texas

Metroplex Two-Way Radio Service

Licensee of Private Land Mobile Stations
WPHS735, WPKP673, WPKM797, WPLZ841,
and WPJR754
Dallas/Fort Worth, Texas

DLB Enterprises, Inc.

Licensee of Private Land Mobile Stations
WPKM796, WPKL830, WPJY510, WPLU490,
WPBH830, WPKP667, WPLY713, WPMH354,
WPMH477, and WPKY978,
Dallas/Fort Worth, Texas
WNAH223
Cleora, Oklahoma

DLB Enterprises, Inc.,)	
Applicant for Conventional Industrial/Business)	File Nos. AO17774,
Private Land Mobile Licenses)	AO20241 and AO19157
Dallas, Texas)	
)	
Applicant for Conventional Industrial/Business)	File No. AO18555
Private Land Mobile Licenses)	
Crowley, Texas)	
)	
Applicant for Trunked Industrial/Business)	File No. AO20755
Private Land Mobile Licenses)	
Crowley, Texas)	
)	
Applicant for Assignment of Private Land Mobile)	File No. D113240
Stations from Ronald Brasher (WPK1707, WPK1739,)	
WPK1733, and WPLQ475), D.L. Brasher (WPJR750),)	
David Brasher (WPJR757), Metroplex Two-Way Radio)	
Service (WPJR754), O.C. Brasher (WPJR761))	
Dallas, Texas)	
)	
Applicant for Assignment of Private Land Mobile)	File No. D113240
Stations from Ronald Brasher (WPK1707, WPK1739,)	
WPK1733, and WPLQ475), Norma Sumpter (WPJR739),)	
D.L. Brasher (WPJR750), David Brasher (WPJR757), Jim)	
Sumpter (WPJR725), Jennifer Hill (WPJR740), Metroplex)	
Two-Way Radio Service (WPJR754), O.C. Brasher)	
(WPJR761), Melissa Sumpter (WPJS437))	
Dallas, Texas)	
)	
Applicant for Assignment of Private Land Mobile)	File No. D113242
Station)	
)	
Applicant for Modification of Private Land Mobile)	File No. D113241
Stations WPKM796, and WPKL830, and)	
Assignment of Private Land Mobile Stations WPK1733,)	
WPLQ475, WPK1707, and WPK1739 from Ronald)	
Brasher and Assignment of Private Land Mobile Station)	
WPKM797 from Metroplex)	
Dallas, Texas)	

ORDER

Adopted: September 17, 2003

;

Released: September 22, 2003

By the Associate General Counsel:

1. This order denies the Request for Special Permission to File Combined Exceptions Exceeding Twenty Five Pages filed September 8, 2003 by Ronald Brasher, Patricia Brasher, and DLB Enterprises, d/b/a Metroplex Two-Way Radio Service, (collectively, the Brashers).

2. The Brashers seek leave to file a set of combined exceptions to the *Initial Decision of Administrative Law Judge Arthur I. Steinberg (I.D.)*, FCC 03D-02 (rel. Aug. 8, 2003) of 75 pages in length, or three times the 25-page limit prescribed by 47 C.F.R. § 1.277(c). The 75-page filing would be in lieu of three separate pleadings, each 25 pages or less, concurrently filed by Ronald Brasher, Patricia Brasher, and Metroplex. The *I.D.* revoked the private land mobile station licenses of Ronald Brasher, Patricia Brasher, and Metroplex and denied their pending applications. In particular, the ALJ found that Ronald, Patricia, and Metroplex misrepresented facts to, and concealed material information from, the Commission; that they were the undisclosed real-parties-in-interest in applications filed in the names of others; that they abused the Commission's processes in this respect; and that they violated Section 310(d) of the Act. In support of their request, the Brashers note that this case involves a complex set of facts and issues as well as a voluminous *I.D.* of more than 170 paragraphs and a lengthy hearing record. In these circumstances, the Brashers maintain that a combined filing, rather than the individual briefs concurrently filed by Ronald, Patricia, and Metroplex, will assist the Commission's review and understanding of this case.


3. In response, the Enforcement Bureau submits that, given the commonality of interests among Ronald Brasher, Patricia Brasher, and Metroplex, the underlying intent of Section 1.277(c)'s 25-page limit dictates that the Brashers be limited to filing a single set of exceptions that does not exceed 25 pages. The Bureau therefore urges that the Request be denied, that the four sets of exceptions totaling nearly 150 pages be dismissed with the Brashers immediately required to file a single set of exceptions conforming to the 25-page limit, and that the deadline for responding to the Brashers' Exceptions be extended until 10 days after such filing.

4. The Brashers have not justified the request for special treatment. Commission policy encourages issue-oriented pleadings rather than fact-based pleadings, and prescribes that requests to exceed page limitations will not be routinely granted. *See* 47 C.F.R. § 1.48(b). While in rare instances, extensions of the page limits have been permitted, those situations typically involved proceedings with more complex issues and more voluminous hearing records than is involved here. Moreover, it does not appear that adherence to the page limits has imposed any burden on the Brashers, given that each has filed Exceptions that conforms to the 25-page limit prescribed by Section 1.277(c). And, while a single 25-page filing on behalf of Ronald Brasher, Patricia Brasher, and Metroplex might be more focused on germane matters to the benefit of both the litigants and the decision-maker, each is a party to the proceeding and thus entitled to file an individual set of exceptions that does not exceed 25 pages.

5. ACCORDINGLY, IT IS ORDERED, That, pursuant to the authority delegated under 47 C.F.R. § 0.251(c), the Request for Special Permission to File Combined Exceptions Exceeding Twenty Five Pages filed September 8, 2003 by Ronald Brasher, Patricia Brasher, and DLB Enterprises, d/b/a Metroplex Two-Way Radio Service, IS DENIED, and the attached Combined Exceptions of Ronald Brasher, Patricia Brasher, and DLB Enterprises IS DISMISSED.

6. IT IS FURTHER ORDERED, That the Enforcement Bureau MAY FILE its Reply to Exceptions no later than ten (10) days after the release of this Order.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in cursive script, appearing to read "Susan H. Steiman".

Susan H. Steiman
Associate General Counsel
Office of General Counsel